

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

RPOST HOLDINGS, INC., RPOST
COMMUNICATION LIMITED, and RMAIL
LIMITED,

Plaintiffs,

v.

EXACT TARGET, INC., et al.

Defendants.

Civil Action No. 2:12-cv-512-JRG

Hon. Rodney Gilstrap

STIPULATION OF DISMISSAL

Pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, Plaintiffs RPost Holdings, Inc., RPost Communications Limited, and RMail Limited (“Plaintiffs”) and Defendant Exact Target, Inc. (“Defendant”) hereby move for an order dismissing all of Plaintiffs’ claims against Defendant in this action 2:12-cv-512 with prejudice, and dismissing all of the Defendant’s counterclaims against Plaintiffs in this action with prejudice, subject to the terms of the agreement between Plaintiffs and the Defendant entitled “Settlement of Claims Agreement” with each party to bear its own attorneys’ fees and costs.

Respectfully Submitted,

Dated: August 15, 2013

EXACT TARGET, INC., By its attorneys, <u>/s/ Cynthia D. Vreeland (with permission)</u> Cynthia D. Vreeland WilmerHale 60 State Street Boston, MA 02109 USA +1 617 526 6148 (t) +1 617 526 5000 (f) cynthia.vreeland@wilmerhale.com Floyd R. Nation Winston & Strawn LLP 1111 Louisiana 25th Floor Houston, TX 77002 D: +1 (713) 651-2661 F: +1 (713) 651-2700 fnation@winston.com	RPOST HOLDINGS, INC., RPOST COMMUNICATIONS LIMITED, and RMAIL LIMITED By its attorneys, <u>/s/ Lewis E. Hudnell, III</u> Winston O. Huff whuff@huffip.com State Bar No. 24068745 Deborah Jagai djagai@huffip.com State Bar No. 24048571 W.O. Huff & Associate, PLLC 302 N. Market St., Suite 450 Dallas, Texas 75202 214.749.1220 (office) 469.206.2173 (fax) Lewis E. Hudnell, III lewis@colvinhudnell.com Colvin Hudnell LLP 375 Park Avenue Suite 2607 New York, New York 10152 Telephone: (347) 855-4772 Facsimile: (347) 772-3034

CERTIFICATE OF FILING

I certify that on August 15, 2013, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system and that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system under Local Rule CV-5(a)(3).

/s/Lewis E. Hudnell, III